

**Assembly Bill No. 1674**

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Passed the Assembly June 6, 2007

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*Chief Clerk of the Assembly*

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Passed the Senate September 4, 2007

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 12315 to the Welfare and Institutions Code, relating to public social services.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1674, Richardson. In-home supportive services: pilot project: provider selection.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. The State Department of Social Services administers the program at the state level.

Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

This bill would require the State Department of Social Services to conduct a pilot project in 5 consenting counties that administer the IHSS program through public authorities to 1,000 or more recipients, to give certain IHSS recipients the choice to receive in-home supportive services either through the public authority or a contracting nonprofit or proprietary agency.

The bill would require the pilot project to be monitored by each participating county's IHSS advisory committee, established pursuant to existing law.

The bill would require each participating county, by the end of the program's 3rd year, to evaluate the success of the pilot program, based on specified criteria.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12315 is added to the Welfare and Institutions Code, to read:

12315. (a) (1) The department shall develop and administer a pilot project that provides nonseverely impaired recipients who

receive supportive services under this article through a public authority, as described in Section 12301.6, with a choice to receive services through the public authority, or to receive services through a voluntary nonprofit or proprietary agency, pursuant to Section 12302. For purposes of this section, a “nonseverely impaired recipient” means a recipient who is assessed to need less than 20 hours of in-home supportive services per week.

(2) To accomplish this end, the department shall select five consenting counties that meet both of the following criteria:

(A) Administer the In-Home Supportive Services (IHSS) program through a public authority pursuant to Section 12301.6.

(B) Provide supportive services to no fewer than 1,000 nonseverely impaired recipients.

(3) (A) Following the submission of input and recommendations of the IHSS advisory committee for the county, each participating county, with the consent of the public authority in that county, or the public authority, with the consent of the participating county, shall contract with a voluntary nonprofit or proprietary agency, pursuant to Section 12302.

(B) Nonseverely impaired recipients in each participating county may continue to receive supportive services through the county’s public authority, or may choose to receive services through the qualified nonprofit or proprietary agency, pursuant to paragraph (1). Recipients who choose to receive services through the qualified nonprofit or proprietary agency shall be compensated only for those services described in the recipients’ then existing care plan, as approved by the county social worker.

(b) (1) (A) For purposes of this section, to the extent possible, all providers employed by the voluntary nonprofit or proprietary agency shall be persons previously listed on the public authority’s registry. The agency shall, pursuant to the contract, continually recruit and provide the public authority with names of new workers for the registry.

(B) The public authority in each participating county shall provide for training for all providers recruited pursuant to this paragraph. A public authority may retain the voluntary nonprofit or proprietary agency to provide these services for and under the direction of the public authority.

(C) All providers employed by the voluntary nonprofit or proprietary agency shall be paid no less than the wages and benefits

provided for in the public authority's collective bargaining agreement.

(2) A voluntary nonprofit or proprietary agency that contracts with a participating county pursuant to subdivision (a) shall perform all of the following duties:

(A) Maintain a live, on-call emergency service response system that is available 24 hours a day, seven days a week.

(B) Replace or supplement providers for a recipient who needs immediate service for the sake of preserving his or her health or safety within two hours of notification.

(C) To the extent possible, employ the recipient's preferred provider or providers.

(D) If required by the county, provision of emergency backup services to any IHSS recipient, including, but not limited to, the severely impaired, when there is an unexpected interruption in services.

(E) Maintain a list of its providers with the public authority.

(F) Establish and maintain an upskilling program, wherein employees may have the opportunity to use work experience and training toward upward movement on a long-term care career ladder.

(G) Be liable for any fraud, waste, or abuse for which it is responsible.

(3) For the duration of the pilot project, supportive services not provided in any month due to hospitalization, illness, refusal, or other cause not within the control of the provider shall not be made up in a subsequent period without case worker approval.

(c) (1) In each participating county, the in-home supportive services advisory committee, as described in Section 12301.3, shall monitor the pilot program.

(2) Each county pilot project shall continue for four years, provided that if a county takes action to terminate a contract for cause, as defined in the contract, it may then terminate its participation in the pilot project. By the end of the third year, each participating county shall evaluate the success of the pilot program, based on all of the following criteria:

(A) Consumer satisfaction.

(B) Cost-effectiveness.

(C) Average turnover of providers.

(D) The effect of the pilot project on non-IHSS vendors, workers, and referral agencies.

(E) Worker satisfaction.

(d) County social workers shall continue to establish eligibility, needs, and frequency of service and serve as recipient advocates as appropriate.





Approved \_\_\_\_\_, 2008

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*Governor*